

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)
v.)
TICO LOMBARD FLEMING) Case No: 1:07CR00033-004
Date of Previous Judgment: 11/27/2007) USM No: 10311-058
(Use Date of Last Amended Judgment if Applicable)) Jim Siemens
Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 34 Amended Offense Level: 34
Criminal History Category: VI Criminal History Category: VI
Previous Guideline Range: 262 to 327 months Amended Guideline Range: 262 to 327 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☒ Other (explain): There is no change in the defendant's guideline range due to his classification as a Career Offender.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 11/27/2007 shall remain in effect.

IT IS SO ORDERED.

Order Date: April 2, 2009

Effective Date: _____
(if different from order date)


Lacy H. Thornburg
United States District Judge

